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PTO/SB/29 (2/98)

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**CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL**

Submit an original, and a duplicate for fee processing.
(Only for Continuation or Divisional applications under 37 CFR § 1.53(d))

Check Box, if applicable
☒ Duplicate

Address to:

Assistant Commissioner for Patents
Box CPA
Washington, D.C. 20231

Attorney Docket No. PF206D1
First Named Inventor Coleman et al.
Examiner Name E. Kemmerer
Group/Art Unit 1646
Express Mail Label No.

This is a request for a ☒ **continuation** or ☐ **divisional** application under 37 C.F.R. § 1.53(d), (continued prosecution application (CPA)) of prior application number: **08/972,301** filed on **November 18, 1997** entitled **Endothelial-Monocyte Activating Polypeptide III**

NOTES

Filing Qualifications: the prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR § 1.51(b), or (2) the national stage of an international application in compliance with 35 USC 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 USC § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

C-I-P Not Permitted: A continuation-in-part application cannot be filed as a CPA under 37 CFR § 1.53(d), but must be filed under 37 CFR § 1.53(b).

Express Abandonment of Prior Application: the filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

Access to Prior Application: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 USC 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 USC 120 Statement: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 USC 120 and to every application assigned the application number identified in such request. 37 CFR § 1.78(a).

1. ☐ Enter the unentered amendment previously filed on under 37 C.F.R. § 1.116 in the prior nonprovisional application.
2. ☒ A preliminary amendment is enclosed.
3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53(d)(4).
 - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application;
 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. ☒ Information Disclosure Statement (IDS) is enclosed.
 - a. ☒ PTO-1449
 - b. ☒ Copies of IDS Citations

[Page 1 of 2]

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TYPE	NO. FILE	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	20	-20	1	\$18.00 each	0.00
Independent	3	-3	1	\$78.00 each	
Minimum Fee					760.00
Multiple Dependency Fee if applicable (\$260.00)					
Total Filing Fee					\$760.00

6. ☐ Small entity status:
- a. ☐ A small entity statement is enclosed, if (b) and (c) do not apply.
 - b. ☐ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
 - c. ☐ Is no longer claimed.
7. ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 08-3425:
- a. ☒ Fees required under 37 CFR § 1.16
 - b. ☐ Fees required under 37 CFR § 1.17
 - c. ☐ Fees required under 37 CFR § 1.18
8. ☐ A check in the amount of \$ _____ is enclosed.
9. ☒ Other: - Associate Power of Attorney
- Statement Under 37 C.F.R. 1.821 and 1.825
- Replacement sequence listing and corresponding CFF


NOTE: The prior applications' correspondence address with carry over to this CPA UNLESS a new correspondence address is provided below.

10. NEW CORRESPONDENCE ADDRESS

Name Michelle S. Marks, Esq., Attorney for Applicants
Human Genome Sciences, Inc.
Address 9410 Key West Avenue
City Rockville State MD Zip Code 20850
Country US Telephone 301-610-5771 Fax 301-309-8439

11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type) Michelle S. Marks
Signature



Michelle S. Marks (Reg. 41,971) 41,971
Registration No. (Attorney/Agent)

Date

12/3/99

WDC PAT # 1447

Serial No: 08/972,301
Ref No: PF206D1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Application of: Coleman et al.

Application Number: 08/972,301

Filed: November 18, 1997

Title: Endothelial-Monocyte
Activating Polypeptide III



Group Art Unit: 1646

Examiner: E. Kemmerer

Attny. Docket No.: PF206D1

#12/09

12/15/99

J. M. M. M.

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In advance of prosecution, please enter the following amendments. Applicants submit concurrently herewith: (a) a Petition for Extension of Time for a period of three (3) months, up to and including December 17, 1999, accompanied by the appropriate fee; (b) a Preliminary Amendment; (c) Continuing Prosecution Application (CPA) Request Transmittal, accompanied by the appropriate fee; (d) an Information Disclosure Statement; (e) a 1449 and cited references; (f) an Associate Power of Attorney; and (g) an Statement Under 37 C.F.R. 1.821 and 1.825 with a replacement sequence listing and corresponding CRF.

Please amend the application as follows:

Amendments

In the Specification

Please delete the first line of the specification, the sentence: "This is a Division of Application Serial No. 08/483,534, filed June 2, 1995" And replace it with, "This is a Continuation Application of Serial No. 08/972,301, filed November 18, 1997, which is a divisional of Application Serial No. 08/483,534, filed June 2, 1995."

Please replace the sequence listing pages 36-38 as originally filed with the sequence listing submitted herewith pages 36-40 and renumber the remaining pages of the specification, claims and abstract accordingly.

At page 32, line 25, after "GATCGGATCCGAGGAGGTCATCCCATCC 3" please add -(SEQ ID NO:5) -